

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEAST DIVISION

COACH, INC. and COACH SERVICES, INC.,

Plaintiffs,

v.

TROPICAL SUN TANNING & GIFTS, TIFFANY :
HIGGINS a/k/a TIFFANY GOODRICH, :
individually and d/b/a TROPICAL SUN TANNING :
& GIFTS, JOHNNY KRISTOPHER HIGGINS, :
individually and d/b/a TROPICAL SUN TANNING :
& GIFTS, and DOES 1 through 100,

Defendants.

Case No. 1:12-cv-168

AGREED CONSENT JUDGMENT AND PERMANENT INJUNCTION





Upon consideration and agreement of Plaintiffs Coach, Inc. and Coach Services, Inc. (hereinafter collectively referred to as "Plaintiffs") and Defendants Tropical Sun Tanning & Gifts, Tiffany Higgins, and Johnny Kristopher Higgins (hereinafter referred to as "Defendants"), the entry of a consent judgment and permanent injunction is warranted in this matter against Defendants, it is hereby **ORDERED AND ADJUDGED**:





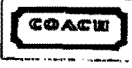
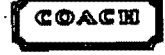

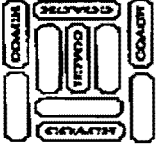


A Permanent Injunction is entered against Tropical Sun Tanning & Gifts, Tiffany Higgins, and Johnny Kristopher Higgins, pursuant to FED. R. CIV. P. 65, forever enjoining Defendants, through their officers, agents, servants, employees, and attorneys and upon those persons in active concert or participation with them:






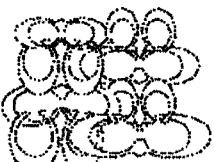

a. From manufacturing, procuring, distribution, shipping, retailing, selling, advertising or trafficking, in any merchandise, including apparel, sunglasses, bags, jewelry and/or related merchandise, not authorized by the Plaintiffs, bearing unauthorized

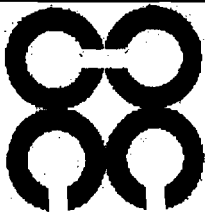
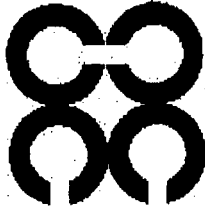
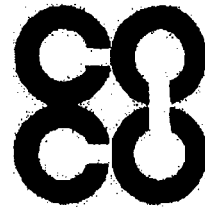



simulations, reproductions, counterfeits, copies or colorable imitations of the Plaintiffs' Trademarks, or bearing a design or image which is of a substantially similar appearance to the Plaintiffs' Trademarks. Specifically, those Trademarks as listed below:



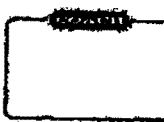




<u>Registration No.</u>	<u>Mark</u>	<u>Classes</u>	<u>Date of Registration</u>	<u>Image</u>
2,088,706	COACH	6, 9, 16, 18, 20 and 25 for <i>inter alia</i> key fobs, eyeglass cases, cellular phone cases satchels, tags for luggage, luggage, backpacks, picture frames, hats, gloves and caps.	August 19, 1997	COACH
3,157,972	COACH	35 for retail store services.	October 17, 2006	COACH
0,751,493	COACH	14 for Leather Goods, namely, Utility Kits, Portfolios, Key Cases, Comb Cases, Pass Cases, Money Clips, Billfolds, Wallets, Pocket Secretaries, Stud Cases, Jewel Cases, and Leather Book Covers.	June 23, 1963	COACH
2,451,168	COACH	9 for eyeglasses.	May 15, 2001	COACH
4,105,689	COACH	9 for sunglasses.	February 25, 2012	COACH
2,537,004	COACH	24 for <i>inter alia</i> home furnishings.	February 5, 2002	COACH
1,846,801	COACH	25 for <i>inter alia</i> men's and women's coats and jackets.	July 26, 1994	COACH
3,439,871	COACH	18 for <i>inter alia</i> umbrellas.	June 3, 2008	COACH
2,061,826	COACH	12 for <i>inter alia</i> seat covers.	May 13, 1997	COACH

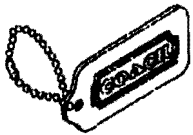
<u>Registration No.</u>	<u>Mark</u>	<u>Classes</u>	<u>Date of Registration</u>	<u>Image</u>
2,231,001	COACH	25 for <i>inter alia</i> clothing for men, women and children namely, coats, jackets, overcoats, raincoats, shirts, vest, scarves, shoes and belts.	March 9, 1999	COACH
2,939,127	COACH	9 for <i>inter alia</i> camera cases.	April 12, 2005	COACH
3,354,448	COACH	14 for <i>inter alia</i> jewelry.	December 11, 2007	COACH
2,446,607	COACH	16 for <i>inter alia</i> writing instruments.	April 24, 2001	COACH
2,291,341	COACH	14 for <i>inter alia</i> clocks and watches.	November 9, 1999	COACH
1,071,000	COACH	18, 25 for <i>inter alia</i> women's handbags and men's and women's belts.	August 9, 1977	COACH
3,633,302	COACH	3 for <i>inter alia</i> perfumes, lotions and body sprays.	June 2, 2009	COACH
3,413,536	COACH EST. 1941 STYLIZED	14, 18, 25 for <i>inter alia</i> handbags, purses, shoulder bags, tote bags, and wallets, jewelry, coats, gloves, belts, hats, scarves, and shoes.	April 15, 2008	
2,534,429	COACH & LOZENGE DESIGN	9 for <i>inter alia</i> eyeglasses, eyeglass frames and sunglasses.	January 29, 2002	
3,363,873	COACH & LOZENGE DESIGN	3 for <i>inter alia</i> fragrances.	January 1, 2008	
2,252,847	COACH & LOZENGE DESIGN	35 retail services.	June 15, 1999	

<u>Registration No.</u>	<u>Mark</u>	<u>Classes</u>	<u>Date of Registration</u>	<u>Image</u>
2,291,368	COACH & LOZENGE DESIGN	14 for <i>inter alia</i> watches.	November 9, 1999	
2,534,429	COACH & LOZENGE DESIGN	9 for <i>inter alia</i> eyeglasses, eyeglass frames and sunglasses.	January 29, 2002	
2,169,808	COACH & LOZENGE DESIGN	25 for <i>inter alia</i> clothing for men and women, namely, coats, jackets, scarves, shoes, and belts.	June 30, 1998	
2,045,676	COACH & LOZENGE DESIGN	6, 9, 16, 18, 20, 25 for <i>inter alia</i> key fobs, money clips, phone cases, computer cases, briefcases, satchels, duffel bags, hats, caps and gloves.	March 18, 1997	
1,070,999	COACH & LOZENGE DESIGN	18, 25 for <i>inter alia</i> women's handbags and men's and women's belts.	August 9, 1977	
1,309,779	COACH & LOZENGE DESIGN	9, 16, 18 for <i>inter alia</i> eyeglass cases and leather goods, namely, wallets, handbags and shoulder bags.	December 19, 1984	
2,035,056	COACH & LOZENGE DESIGN	3, 21 for <i>inter alia</i> leather cleaning products and shoe brushes.	February 4, 1997	
2,983,654	COACH & LOZENGE DESIGN	18, 24, 25 for <i>inter alia</i> handbags, leather goods, fabrics, swimwear, hats and shoes.	August 9, 2005	
2,626,565	CC & DESIGN (Signature C)	18 for <i>inter alia</i> handbags, purses, clutches, shoulder bags, tote bags, and wallets.	September 24, 2002	
2,822,318	CC & DESIGN (Signature C)	24 for <i>inter alia</i> fabric for use in the manufacture of clothing, shoes, handbags, and luggage.	March 16, 2004	

<u>Registration No.</u>	<u>Mark</u>	<u>Classes</u>	<u>Date of Registration</u>	<u>Image</u>
2,832,589	CC & DESIGN (Signature C)	4, 6, 9, 14, 16, 18, 25 for <i>inter alia</i> sunglasses and eye glass cases, leather goods, key fobs, jewelry, watches, umbrellas, and clothing namely, skirts, pants and dog coats.	April 13, 2004	
2,592,963	CC & DESIGN (Signature C)	25 for <i>inter alia</i> clothing namely, scarves, belts, gloves, hats, shoes, coats, jackets.	July 9, 2002	
2,822,629	CC & DESIGN (Signature C)	35 for retail services.	March 16, 2004	
4,365,898	COACH Signature C Design	9 for Protective covers and cases for cell phones, laptops and portable media players	July 9, 2013	
3,396,554	AMENDED CC & DESIGN (Signature C)	3 for <i>inter alia</i> fragrances.	March 11, 2008	
3,012,585	AMENDED CC & DESIGN (Signature C)	18, 24, 25 for <i>inter alia</i> handbags, purses, wallets, umbrellas, fabrics for the use in manufacturing clothings, shoes and handbags and clothing namely scarves, hats, caps and shoes.	November 8, 2005	
3,784,814	COACH OP ART	9 for eyeglasses and sunglasses.	May 4, 2010	

<u>Registration No.</u>	<u>Mark</u>	<u>Classes</u>	<u>Date of Registration</u>	<u>Image</u>
4,365,899	COACH OP ART	9 for Protective covers and cases for cell phones, laptops and portable media players	July 9, 2013	
4,105,636	COACH OP ART	14, 18, 25 for Jewelry, watches, wallets, handbags, belts, hats, scarves, shoes, coats, gloves and t-shirts.	February 28, 2012	
3,696,470	COACH OP ART & Design	18, 24 and 25 for <i>inter alia</i> handbags, wallets, umbrellas, hats, scarves, belts, coats, shoes and fabrics for the manufacturing of clothing, shoes and handbags.	October 13, 2009	
3,441,671	COACH LEATHERWARE EST. 1941 [Heritage Logo]	9, 14, 18, 25 for <i>inter alia</i> handbags, leather cases, purses, wallets, umbrellas, jewelry, watches, sunglasses, footwear, hats, and coats.	June 3, 2008	
	COACH LEATHERWARE EST. 1941 [Heritage Logo]	3 for After-shave; Body lotions; Fragrances; Make-up; Perfumes; Soaps for personal use	August 27, 2013	
4,296,582	COACH EST. 1941 NEW YORK	14,16,18 and 25 for jewelry and watches, handbags, leather credit card cases, purses, shoulder bags, wallets, belts, coats, t-shirts, hats, gloves, shoes, day planners.	February 26, 2013	

<u>Registration No.</u>	<u>Mark</u>	<u>Classes</u>	<u>Date of Registration</u>	<u>Image</u>
4,359,191	COACH EST. 1941 NEW YORK	9 for Protective covers and cases for cell phones, laptops and portable media players.	June 25, 2013	
3,251,315	COACH EST. 1941	18, 25 for <i>inter alia</i> handbags, small leather goods, jackets, coats and shoes.	June 12, 2007	
3,338,048	COACH STYLIZED	18 for <i>inter alia</i> luggage, backpacks, purses, wallets, and shoulder bags.	November 11, 2007	
3,149,330	C & LOZENGE LOGO	14 for watches.	September 26, 2006	
2,162,303	COACH & TAG DESIGN	25 for belts.	June 2, 1998	
4,334,351	COACH & TAG	9 for Protective covers and cases for cell phones, laptops and portable media players.	May 14, 2013	
3,685,590	COACH & TAG	14 for Bracelets; Earrings; Jewelry; Necklaces; Rings being jewelry; Watches	September 22, 2009	

<u>Registration No.</u>	<u>Mark</u>	<u>Classes</u>	<u>Date of Registration</u>	<u>Image</u>
2,088,707	COACH & TAG DESIGN	18 for briefcases, handbags, satchels, tote bags, duffle bags, cosmetic bags, luggage.	August 19, 1997	
3,908,558	POPPY	9 for eyeglasses and sunglasses.	January 18, 2011	POPPY
3,812,170	POPPY	18 for <i>inter alia</i> backpacks, briefcases, leather key chains, bags, wallets and billfolds.	June 29, 2010	POPPY

b. From passing off, inducing or enabling others to sell or pass off, as authentic products produced by the Plaintiffs or otherwise authorized by the Plaintiffs, any product not manufactured by the Plaintiffs or produced under the control or supervision of the Plaintiffs and approved by the Plaintiffs, which utilize any of the Plaintiffs' Trademarks listed in the above chart;

c. From committing any act calculated to cause purchasers to believe that products sold by Defendants, their agents, servants, and employees, and upon those persons in active concert or participation with them are sold under the control and supervision of the Plaintiffs, or are sponsored, approved or guaranteed by the Plaintiffs, or are connected with and produced under the control or supervision of the Plaintiffs;

d. From further diluting and infringing Plaintiffs' Trademarks and damaging their goodwill;

e. From engaging in any other activity constituting unfair competition with Plaintiffs or that will cause the distinctiveness of Plaintiffs' Trademarks to be diluted; and

f. From causing, aiding, and/or abetting any other person from doing any act proscribed under a through f above.

It is further **ORDERED AND ADJUDGED** that Judgment be entered against Defendants, and in favor of the Plaintiffs, noted more specifically below:

Statutory damages against Defendants Tropical Sun Tanning & Gifts, Tiffany Higgins and Johnny Kristopher Higgins:

To Plaintiffs Coach, Inc. and Coach Services, Inc. pursuant to 15 U.S.C. § 1117(c)(1) and (2): \$100,000 per counterfeit mark per type of good.

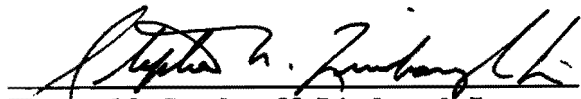
Total statutory damages entered against Defendants **\$200,000**

Total Judgment awarded against Defendants **\$200,000**

It is further **ORDERED AND ADJUDGED** That the Court finds that there is no just reason for delay, and therefore, pursuant to FED. R. CIV. P. 54(b), the Court expressly directs the entry of judgment on all rulings made by the Court shall operate as a final judgment as to Defendants Tropical Sun Tanning & Gifts, Tiffany Higgins, and Johnny Kristopher Higgins.

IT IS SO ORDERED.

This 18th day of Feb., 2014.


Honorable Stephen N. Limbaugh Jr.
United States District Judge